

RURAL/METRO CORPORATION,

AGBCA No. 2004-105-1

Appellant

Representing the Appellant:

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DECISION OF THE BOARD OF CONTRACT APPEALS

September 7, 2004

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. AGH002007, between the Bureau of Indian Affairs (BIA) and Rural/Metro Corporation (Rural) of Scottsdale, Arizona. The contract involved wild land fire protection services to be provided to the Umpqua National Forest, Oregon. On November 10, 2003, Rural filed an appeal with this Board from a letter from the Contracting Officer (CO), Umpqua National Forest. Rural disputed \$96,632.31, which it claimed represented the remainder of fees due to Rural. A August 13, 2003, letter from the CO cited payment of a check of \$56,447.10 and stated that it was the full amount that the FS would pay for the services. Apparently, Forest Service's (FS) refusal to pay more was based on BIA's refusal to pay. BIA contended that Appellant had not completed the agreement. In the letter, the CO noted that if Appellant disagreed as to that point, it would have to have BIA's CO and Payment Office provide a statement regarding the matter.

While the FS CO letter addressed in detail the payment, it did not include a notice of appeal rights and did not identify the letter as a final CO decision.

The Board, having received the letter of appeal, docketed the matter on November 20, 2003. In our docketing letter, the Board pointed out the fact that the letter being appealed was not identified as a final decision of the CO, and as such the Board had concerns that the appeal was premature. The Board at that time did not get into other questions as to jurisdiction, specifically as to the respective contract administration roles of BIA and the FS.

By letter of February 18, 2004, the Board was notified that Appellant had secured counsel. On February 19, 2004, the Board held a telephone conference with counsel for Rural and counsel for the FS. Counsel advised the Board that they were engaging in discussions in an attempt to reach a settlement.

The Board continued to monitor the matter, receiving regular updates on the progress of the discussions. By letter of July 12, 2004, the Board was notified by counsel for the FS that the parties had settled all claims in the matter. The parties filed a Stipulated Order of Dismissal wherein Appellant agreed to dismiss the appeal with prejudice.

DECISION

The appeal is dismissed with prejudice pursuant to the Stipulated Order of Dismissal signed by the parties.

HOWARD A. POLLACK
Administrative Judge

Concurring:

JOSEPH A. VERGILIO
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
September 7, 2004